



STATE OF NEW JERSEY

In the Matter of Marlon Santos,
Department of Health

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2021-1132

Administrative Appeal

**ISSUED: NOVEMBER 22, 2021
(JET)**

Marlon Santos petitions the Civil Service Commission (Commission) for a retroactive date of provisional appointment to the title of Storekeeper 1.

By way of background, Santos was appointed from the title of Building Maintenance Worker to the provisional title of Storekeeper 1, effective October 24, 2020. As a result of an administrative error, the appointing authority did not process Santos' appointment until December 19, 2020. The appointing authority explains that the delay was caused by an internal audit it conducted with respect to various titles it utilizes, including the title of Storekeeper 1. The appointing authority confirms that, as a result of the audit, it erroneously processed the wrong appointment date with respect to Santos' appointment as provisional Storekeeper 1, and as such, it now supports Santos' request to the Commission for a retroactive appointment date due to the oversight with respect to Santos' October 24, 2020 appointment.

CONCLUSION

N.J.A.C. 4A:4-1.10(c) provides that when a regular appointment is made, a retroactive appointment date may be ordered due to administrative error, administrative delay or other good cause. Generally, this unique remedy has been reserved for two particular situations. First, retroactive appointment dates have been granted in circumstances in which an employee was actually serving in and performing the duties of a title, but, due to some error or other good cause, his or her attainment of permanent status was delayed or hindered. The second situation in which an employee may be awarded a retroactive date of permanent appointment is

where the name of an employee, whose appointment would have otherwise been mandated, was improperly removed from or bypassed on an eligible list, thereby preventing the appointment.

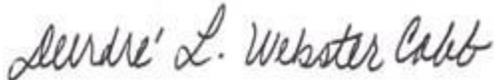
In the instant matter, while this matter pertains to a provisional appointment, due to an administrative oversight, the appointing authority supports Santos' request for a retroactive appointment date to the actual effective date of Santos' appointment, October 24, 2020. Based on the circumstances, the Commission is satisfied that a retroactive appointment date is warranted. As such, Santos' appointment as a provisional Storekeeper 1 should be retroactively recorded as October 24, 2020, and he is entitled to differential back pay from that date to December 19, 2020.

ORDER

Therefore, it is ordered that this petition be granted and Marlon Santos' provisional appointment to the title of Storekeeper 1 be recorded effective October 24, 2020, and he receive differential back pay from that date to December 19, 2020.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 17TH DAY OF NOVEMBER 2021



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Chairperson
Civil Service Commission

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